

**Zoning Ordinance Action Group (ZOAG) Subcommittee Discussions  
B&B, Country Inn, and Banquet Facilities Use/Regulation Table  
B&B Subcommittee Recommendations  
For 9/11/2013 ZOAG Meeting**

The table below includes recommended amendments to the Revised 1993 Loudoun County Zoning Ordinance developed by the B&B Subcommittee of the Zoning Ordinance Action Group, as well as, staff comments and concerns. All comments in the Proposed Changes section for B&B Homestay, B&B Inn, Country Inn and Banquet Facility in red text are additions/revisions to the existing text. Current requirements are provided in black text in the Proposed Changes section or mentioned in the Comment section of the table.

Please note the following regarding the levels of review for applications:

**Permitted Use:** A use that is permitted by right (abbreviated with a “P” in the table), is permitted to locate on a parcel without obtaining legislative review by either the Planning Commission or the Board of Supervisors. To establish the use, a Zoning Permit is required and may also require a Sketch Plan or a Site Plan.

**Minor Special Exception** There are two types of Minor Special Exceptions –

Minor Special Exception to Modify Requirements: Section 5-600 of the Zoning Ordinance allows an applicant to apply for a modification to any of the Additional Regulations of Section 5-600 through the Minor Special Exception process. In order for such a modification to be granted, approval must be obtained from the Board of Supervisors, following a public hearing, upon a finding that the requested modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County’s historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation (Section 5-600). No recommendation or public hearing is required by the Planning Commission. The filing fee for a modification is \$1,870. Thus any of the standards in the following table that are in the Section 5-600 can be modified through the Minor Special Exception process.

Minor Special Exception for a Use: Some uses are included in the use list as a Minor Special Exception (abbreviated with an “M” in the table). In order for such a use to be conducted, approval must be obtained from the Board of Supervisors, following a public hearing. No recommendation or public hearing is required by the Planning Commission. The filing fee for a Minor Special Exception for a use is \$8, 215.

**Special Exception:** A use that is permitted by Special Exception (abbreviated with an “S” in the table). In order for such a use to be conducted, approval must be obtained from the Board of Supervisors, following a public hearing before both the Planning Commission and the Board of Supervisors and a recommendation by the Planning Commission. The filing fee for a Special Exception is \$15,750 for a use with greater than 10,000 sq. ft. of disturbance, \$6,570 for a use with land disturbance up to 10,000 sq. ft. and \$5,955 with no land disturbance.

BED & BREAKFAST HOMESTAY		<div>+ This level B&amp;B is truly, accessory to a residence.</div> <div>+ Only rent out rooms and provide meal service to transient guests.</div> <div>+ Requirements are generally those of a residence.</div> <div>+Events/parties allowance is same as for other properties in the County through Temporary Special Permit - Section 5-500(C).</div> <div>+ A definition must be added to Article 8 for this use.</div>	
ZONING ORDINANCE REGULATION	ZONING ORDINANCE CURRENT REGULATIONS (Black Text) AND B&B SUBCOMMITTEE RECOMMENDATIONS (Red Text)	STAFF COMMENTS	ZOAG SUBCOMMITTEE RECOMMENDATIONS
# Guest Rooms	3 Maximum.	Use is accessory to residence.	
Parties/Events	10 attendees, including overnight guests, for parties/events on a daily basis Parties/events in accordance with the Temporary Events section of the Zoning Ordinance [5-500(C)] – the same allowed for other residences: <ul style="list-style-type: none"><li>10 per year</li><li>14 days apart.</li></ul>	Staff proposes that this low impact B&B not allow party/event attendees on a daily basis.  Some districts proposed have minimum lot size requirements in Sec. 5-500(C) (e.g. Rs, PD-CV, PD-RV) or are currently not permitted to have temporary special events (e.g. JLMA). Staff recommends amending 5-500(C) to include JLMA districts  Additional events/parties through B&B Inn, Country Inn or Banquet Facility.	Other commercial uses permitted in a residential structure (i.e. daycare) and home occupation uses allow for employee and public visits.  Guests staying at the B&B are included in the number of attendees, so impact is minimal or non-existent.
Applications	Zoning Permit	Staff recommends allowing a B&B Homestay (accessory to residence) to be processed as a Zoning Permit.	Supports Zoning Permit process.
Zoning Districts Allowed	AR-1: P AR-2: P A-10: P A-3: P CR-1: P CR-2: P RC: P R-1: P R-2: P JLMA-1: P JLMA-2: P JLMA-3: P JLMA-20: P TR-10: P TR-3: P TR-2: P TR-1: P PD-CV: P PD-RV: P (Conserv,Vlg)	Included B&B Homestay use in all districts where currently permitted. Added AR1, AR2, RC and JLMA-20 districts as permitted use.	
Min. Lot Area	No minimum lot size for use. Follow district requirements for single family residential use.	Existing lots (including non-conforming) may be used for this level B&B.	
Intensity Standard	Zoning District Standards		
Yard Standards	Zoning District Standards		
Parking	Per Section 5-1102 (2.5/dwelling unit, and 1/guest room) .33/person for parties/events	Applicant should be requested at time of zoning permit to indicate off-street parking for overnight guests per Z.O.	
Landscape Buffer	N/A		
Lighting	Residential requirements.	Currently, subject to Section 5-652(1)-(3). Use is accessory to residence.	
Noise	Max. 55 dBA at property line. No outdoor music/activity: 11pm-10am Fri., Sat. & holidays. 10pm -10am Sun.-Thur.		
Access	Per Section 5-654. At time of Zoning Permit application, provide evidence that have adequate ingress/egress and that access may support the use.	County cannot enforce private access easements, however, can alert applicant of potential issues. Access same as private residence.	
Article 8, Definitions	Proposed Definition: “A private, owner occupied dwelling in which overnight accommodations are provided to the public. The frequency and volume of paying guests is incidental to the primary use of the property as a private residence. Rooms may be made available within an accessory structure. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.”		

<b>BED &amp; BREAKFAST INN</b>		+ B&B Inn provides private parties <u>daily</u> for 25 guests and allows districts that are not now permitted to have Temporary Special Events (JLMA) with ability to have on smaller lots size with Minor Special Exception. +15 parties/events for greater than 25 attendees up to 200 people.	+ No time period separation between events/parties. + Annual Permit for events/parties. + Additional events through Banquet Facility use. + A definition must be added to Article 8 for this use.
ZONING ORDINANCE REGULATION	ZONING ORDINANCE CURRENT REGULATIONS (Black Text) AND B&B SUBCOMMITTEE RECOMMENDATIONS (Red Text)	STAFF COMMENTS	ZOAG SUBCOMMITTEE RECOMMENDATIONS
# Guest Rooms	10 Maximum. (Up to 7 rooms: 5 acre minimum & 8-10 Rooms: 10 acre minimum)	Currently, 3 - 10 guest rooms depending on lot size.	
Parties/Events	Up to 25 attendees, including overnight guests, at parties/events daily throughout year. >25 attendees: <ul style="list-style-type: none"><li>15 parties/events per year</li><li>No separation between parties/events.</li><li>Maximum 200 people per party/event.</li></ul>	Currently, the daily events based on sleeping capacity of facility. 10 events per year when more than sleeping capacity, 14 days apart, 30 day notice per event. Staff notes that the hosting of parties/ events is <u>accessory</u> to the principal Bed & Breakfast Inn use and thus recommends retaining the existing maximum of 10 parties/events per year, the same number permitted through the Temporary Special Event process to most parcels in the County per Section 5-500(C) to minimize impact on adjacent properties. In addition, the increase in 10 to 15 party/events still does not address the additional impact to adjacent properties without a public review - only a sketch plan would be required.	The benefits to the B&B industry are greater than the impact to the neighboring residence and properties.  Guests staying at the B&B are included in the number of attendees, so impact is minimal or non-existent.
Applications	<ul style="list-style-type: none"><li>Sketch Plan for up to 5,000 square feet of disturbance.</li><li>Site Plan for more than 5,000 square feet of disturbance - Rural Economy Site Plan (REST) in rural districts.</li><li>Minor Special Exception (SPMI).</li><li>Annual permit for parties/events: May require conditions to mitigate impacts.</li></ul>	Currently, a site plan (REST -Rural Economy Site Plan in rural districts) is required in addition to special exception in some districts.  Staff recommends an annual permit for 10 parties/events, as opposed to individual permits. Adjustments can be made with issuance of each permit.	Revise the fee schedule to allow the SPMI to have a different fee levels similar to the SPEX.
Zoning Districts Allowed	AR-1: P      CR-1: <del>S</del> M      JLMA-3: <del>S</del> M      TR-10: <del>S</del> P      PD-RV: AR-2: P      CR-2: <del>S</del> M      JLMA-2: <del>S</del> M      TR-1: <del>S</del> M      Res Area: P A-10: <del>S</del> P      CR-3: <del>S</del> M      JLMA-1: <del>S</del> M      TR-2: <del>S</del> M      Com. Work:P A-3: <del>S</del> P      RC: M      R-1: <del>S</del> M      TR-3: <del>S</del> P      PD-CV: JLMA-20: P      R-2: <del>S</del> M      Conserv: P Village: <del>S</del> P	Added RC as a SPMI and JLMA-20 as a permitted. Also, reduced review level in a majority of the current zoning districts where the use is allowed.	
Min. Lot Area	Up to 7 rooms: 5 acre minimum and 8-10 Rooms: 10 acre minimum.	Currently, 3-7 rooms: 5 acre minimum and 8-10 Rooms: 10 acre minimum.	
Intensity Standard	Max. .04 FAR		
Yard Standards	Zoning District standards for structures. Outdoor gathering area 200 feet from property line.		
Parking	Per Section 5-1102 (2.5/dwelling unit; 1/guest room, and 1/employee) .33/person for parties/events plus support staff (both daily and party/ event parking)		
Landscape Buffer	Provide minimum screening of Section 5-653 to screen only parking and outdoor area from adjacent properties regardless of size of adjacent property.	Currently, regulations require compliance to Sections 5-653(A) and 5-653 (B) & buffer against lots of 4 acres or less.	
Lighting	Subject to Section 5-652. Maximum 12' pole height in rural districts outside parking area. Maximum 25' for parking lot.	Currently, regulation allow for a 25' maximum height limit.	Require shorter pole heights outside of parking area.
Noise	Max. 55 dBA at property line. No outdoor music/activity: 11pm-10am Fri., Sat. & holidays. 10pm -10am Sun.-Thur.		
Access	Per Section 5-654. At time of Sketch Plan/REST/STPL application, provide evidence that have adequate ingress/egress and that access may support the use.	Access same as private residence. County cannot enforce private access easements, however, can alert applicant of potential issues.	

<b>COUNTRY INN</b>		+ County Inn permits up to 30 guest rooms; no minimum of 4 rooms as in current ordinance. + May have restaurant with Minor or Full Special Exception, depending on the district.	+ Add use to RC District. + Provides private parties <u>daily</u> for 100 guests. +15 parties/events for greater than 100 attendees with a maximum of 200 people.	+ No time period separation between events/parties. + Annual Permit for events/parties. + Additional events through Banquet Facility use. + Restaurant with Minor or Full Special Exception, depending on district.
ZONING ORDINANCE REGULATION	ZONING ORDINANCE CURRENT REGULATIONS (Black Text) AND B&B SUBCOMMITTEE RECOMMENDATIONS (Red Text)	STAFF COMMENTS	ZOAG SUBCOMMITTEE RECOMMENDATIONS	
# Guest Rooms	Maximum 30 guest rooms.			
Parties/Events	COUNTRY INN: 100 attendees , including overnight guests, daily <ul style="list-style-type: none"><li>15 parties/events over 100 attendees.</li><li>No separation between parties/ events.</li><li>Annual permit.</li><li>Maximum 200 people per party/event.</li></ul>	Currently, daily attendees are based on maximum sleeping capacity. Concerned with the allowance of 100 attendees daily, and 15 party/events with maximum of 200 people with no public review in the AR-1 and AR-2 zoning districts. Staff recommends that the number of events remain at 10 and additional events may be sought by SPMI.	The benefits to the B&B industry are greater than the impact to the neighboring residence and properties.  Guests staying at the Country Inn are included in the number of attendees, so impact is minimal or non-existent.	
	COUNTRY INN WITH RESTAURANT: The number of parties/events & number of attendees determined by SPEX/Minor SPEX.			
Applications	COUNTRY INN: <b>SPMI</b> , Site Plan (REST in Rural Districts), and <b>Annual permit for parties/events: may require conditions to mitigate impacts; adjustments can be made with issuance of each permit.</b>	Staff recommends an annual permit for 10 parties/events, as opposed to individual permits. Adjustments can be made with issuance of each permit.	Revise the fee schedule to allow the SPMI to have a different fee levels similar to the SPEX.	
	COUNTRY INN WITH RESTAURANT: Minor or Special Exception and Site Plan (REST in Rural Districts)	Staff recommends an annual permit for 10 parties/events, as opposed to individual permits. Adjustments can be made with issuance of each permit.	Revise the fee schedule to allow the SPMI to have a different fee levels similar to the SPEX.	
Zoning Districts Allowed	COUNTRY INN: AR-1: P      A-3: <del>S</del> M      CR-2: <del>S</del> M      RC: M      TR-10: <del>S</del> M AR-2: P      CR-1: <del>S</del> M      CR-3: <del>S</del> M      JLMA-3: S M      TR-3: <del>S</del> M A-10: S M      CR-4: <del>S</del> M      JLMA-20: M      PD-RV: P*	Added RC as a SPMI. Also, reduced review level to SPMI for the current zoning districts where the use is allowed by SPEX.		
	COUNTRY INN WITH RESTAURANT: AR-1: M      A-3: S      CR-3: S      JLMA-3: S      TR-3: S* AR-2: M      CR-1: S      CR-4: S      JLMA-20:S      PD-RV: M* A-10: S      CR-2: S      RC: S      TR-10: S	Added RC and JLMA-20 as a SPEX use.		
Min. Lot Area	Minimum 20 acres	Currently, minimum 25 acres	The difference between 25 acres and 20 acres is minimal.	
Intensity Standard	Maximum .04 FAR			
Yard Standards	Building and parking: 100 feet. Active outdoor area: 200 feet. District regulations for passive outdoor area.	Currently, 250 feet from lot lines or 100 feet if adjacent lot has a commercial use. Recommends maintaining current setback with proposed 20 acre minimum for less neighbor impact.	The proposed setbacks are adequate to address impacts of use.	
Parking	COUNTRY INN: Per Section 5-1102 (1/guest room); 2 for owners or managers and 1/employee; .33/person for daily & parties/events parking plus support staff.			
	COUNTRY INN WITH RESTAURANT: Per Section 5-1102 (1/guest room and 15/1,000 sq. ft. restaurant); .33/person for daily & parties/events parking plus support staff.			
Landscape Buffer	Provide screening per Section 5-653 to screen only parking & outdoor area from adjacent properties regardless of size of adjacent property.	Currently, regulations require compliance to Sections 5-653(A) and 5-653 (B) & buffer against lots of 4 acres or less. Concerned about not buffering structure w/daily events of 100 people. If AR1 & AR2 no ability to provide conditions similar to a Minor SPEX – permitted by right.	Consider provision for reduction or waiver if in Historic District.	
Lighting	Per Section 5-652(A). Maximum 12’ pole height in rural districts outside parking area. Maximum 25’for parking lot.	Currently, regulation allow for a 25’ maximum height limit. Section 5-652 includes fully shielded fixtures and light cannot extend below cutoff.	Require shorter pole heights outside of parking area.	
Noise	Max. 55 dBA at property line. No outdoor music/activity: 11pm-10am Fri., Sat. & holidays. 10pm-10am Sun-Thur.			
Access	Per Section 5-654. No more than 2 points of access.	Access should be from a paved public road with increased activities.	Section 5-654 is sufficient without paved road requirement.	

BANQUET FACILITY		+ Allows for multiple events. + Proposed by right with conservative standards in AR-1 and AR-2.				+ Standards may be modified through the Minor Special Exception process upon Board of Supervisors reviewing individual property the Minor Special Exception process.	
ZONING ORDINANCE REGULATION	ZONING ORDINANCE CURRENT REGULATIONS (Black Text) AND B&B SUBCOMMITTEE RECOMMENDATIONS (Red Text)				STAFF COMMENTS	ZOAG SUBCOMMITTEE RECOMMENDATIONS	
# Guest Rooms	N/A						
Parties/Events	100 attendees daily <ul style="list-style-type: none"><li>15 parties/events over 100 attendees.</li><li>No separation between parties/ events.</li><li>Annual permit.</li><li>Maximum 200 people per party/event, plus 2 persons/acre over 20 acres.</li><li>[e.g. 25 ac. – 160 attendees</li><li>50 ac. – 210 attendees</li><li>75 ac. - 260 attendees</li><li>100 ac – 310 attendees]</li></ul>				Currently, Indoor events are based on occupancy load of event space, and Outdoor events are based on minimum acreage: 25 ac. – 125 attendees 40 ac. – 200 attendees 75 ac. – 350 attendees Concerned with the allowance of 100 attendees daily, and 15 party/events with maximum of 200 people with no public review in the AR-1 and AR-2 zoning districts. Staff recommends that the number of events remain at 10 and additional events may be sought by SPMI.	The benefits to the B&B industry are greater than the impact to the neighboring residence and properties.	
Applications	SPMI or full SPEX in some districts and Site Plan [AR1 and AR2 no requirement for SPEX; only REST (Rural Economy Site Plan)]					Revise the fee schedule to allow the SPMI to have a different fee levels similar to the SPEX.	
Zoning Districts Allowed	AR-1: <del>M</del> P      CR-1: M      RC: M      TR-10: M AR-2: <del>M</del> P      CR-2: M      R-1: M      TR-3: M A-10: M      CR-3: M      JLMA-3: M      PD-RV: M A-3: M      CR-4: M      JLMA-20: M      PD-MUB: P				Proposed by right with conservative standards in AR-1 and AR-2. Concern regarding reducing minimum acreage to 20 acres with no SPEX review for AR-1 and AR-2.		
Min. Lot Area	20 acre minimum				Currently, minimum 25 acres Maintain minimum 25 acres and/or keep AR1 and AR2 Minor SPEX	The difference between 25 acres and 20 acres in minimal.	
Intensity Standard	Maximum 0.04 FAR						
Yard Standards	Building and parking: 100 feet; Active outdoor areas: 200 feet; and District regulations for passive outdoor area.				Currently, the setbacks are: Buildings: 200 feet, and Outdoor areas and parking: 500 feet. Maintain current setback with proposed 20 acre minimum for less neighbor impact.	The proposed setbacks are adequate to address impacts of use.	
Parking	.33/person for parties/events plus support staff (both daily and party/ event parking)				Currently, administered as 1/.25 person in maximum capacity.		
Landscape Buffer	Provide screening per Section 5-653 to screen only parking & outdoor area from adjacent properties regardless of size of adjacent property.				Currently, regulations require compliance to Sections 5-653(A) and 5-653 (B) & buffer against lots of 4 acres or less. Concerned about not buffering structure w/daily events of 100 people. If AR1 & AR2 (permitted by right) no ability to provide conditions similar to a Minor SPEX.	Consider provision for reduction or waiver if in Historic District. Residential structures do not require screening, but recognize that accessory building may require screening.	
Lighting	Per Section 5-652(A). Maximum 12’ pole height in rural districts outside parking area. Maximum 25’for parking lot.				Currently, regulation allow for a 25’ maximum height limit. Section 5-652 includes fully shielded fixtures and light cannot extend below cutoff.	Require shorter pole heights outside of parking area.	
Noise	Max. 55 dBA at property line. No outdoor music/activity: 11pm-10am Fri., Sat. & holidays. 10pm-10am Sun-Thur.						
Access	Per Section 5-654. No more than 2 points of access.				Currently, maximum number of access points is one (1).  Access should be from a paved public road with increased activities.	Section 5-654 is sufficient without paved road requirement.	